

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DINA UCCIARDI, *et al.*,

Plaintiff,

v.

E.I. DUPONT DE NEMOURS AND CO.,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:
:

Civil Action No.: 13-4952 (FLW)

ORDER

THIS MATTER having been opened to the Court on a Report and Recommendation, dated February 26, 2016, rendered by the Magistrate Judge, recommending that this Court grant Defendant E.I. DuPont de Nemours and Co.'s ("Defendant") motion to dismiss Plaintiff Dina Ucciardi's ("Plaintiff") emotional distress claim for failure to abide certain court discovery orders; it appearing that, to date, Plaintiff has not objected to the Report and Recommendation; it appearing that in the Report, the Magistrate Judge weighed the factors, set forth in *Poulis v. State Farm Casualty Co.*, 747 F.2d 863 (3d Cir. 1982), to determine whether the sanction of dismissing Plaintiff's emotional distress claim was appropriate pursuant to Fed. R. Civ. P. 37(b)(2); it appearing that the Court finds the Magistrate Judge's reasoning sound, particularly since Plaintiff was responsible for her repeated failures to produce relevant information regarding her emotional distress claim, which blatantly violated the Magistrate Judge's orders; it appearing that having reviewed the Magistrate Judge's Recommendation, for the reasons set forth herein, and for good cause shown,

IT IS on this 23rd day of March, 2016,

ORDERED that the Magistrate Judge's Report and Recommendation is hereby

ADOPTED; it is further

ORDERED that Defendant's motion to dismiss is **GRANTED**, and Plaintiff's emotional distress claim is **DISMISSED**.

/s/ Freda L. Wolfson
Freda L. Wolfson, U.S.D.J.